

STEPS TO FORMING A REGIONAL SCHOOL DISTRICT

This document summarizes the major steps involved in forming a regional school district. For complete and comprehensive information on all requirements, refer to the authorizing legislation, Chapter 71, Sections 14-16I and the Regional School District Regulations, 603 CMR 41.00.

1. *Formation of Regional School District Planning Committee*

The regional school district planning committee is a special unpaid committee created by vote in town meeting. (See Appendix A) Its main purpose is to join with a similar committee (or committees) from other towns for the purpose of forming a regional school district planning board. The committee consists of three members, including one member of the school committee to be appointed by the moderator. (NOTE: An existing regional school district may create its own planning committee by following the terms in the regional agreement for initiating amendments.

2. *Formation of Regional School District Planning Board*

The Regional School District Planning Board refers to the combination of two or more regional school district planning committees. The Board has the following duties:

- a. Elect chairperson and secretary-treasurer;
- b. Study fiscal and educational advisability of establishing a Regional School District, its organization, operation and control; and of constructing, maintaining and operating a school or schools to serve the needs of such a district;
- c. Develop a Long-Range Plan; *See Appendix D*
- d. Request *Reorganization Needs Conference* with Department of Education; *See Appendix D*
- e. Submit a report of its findings and recommendations to the selectmen of respective towns. *See Appendix B*

3. *Recommendation to form a Regional School District*

If the regional school district planning board recommends that a regional school district be established, it shall submit a proposed agreement. The agreement is the constitution under which the regional school district will operate. The Planning Board must then:

- File an application* with the Department of Education.
- Secure approval of towns at special or annual town meeting by printed ballots if a new agreement or, if required, for amending an existing agreement.

4. *Regional School District Application**

- a. Record of Reorganization Needs Conference held with Department of Education staff.
- b. Long Range Educational Plan
- c. Regional School District Agreement.
- d. Certified votes of all appropriate municipalities or duly constituted authorities

*The Commissioner of Education must approve each regional school district agreement. On-going contact with Department of Education staff throughout the planning phase, the Reorganization Conference and Department review of the proposed agreement provides confidence that the agreement language complies with all applicable laws and regulations, prior to voter approval.

DISCUSSION ISSUES

1. Educational goals, objectives and curriculum offerings

Critical to the creation of a regional school district is discussion and agreement on educational programming. A comprehensive educational program must be developed that will be consistent across geographical lines and articulated on a K-12 basis.

2. School Committee Membership

- a. Representation from member towns
- b. Compliance with One-person One-Vote - See Chapter 71, Section 14E

3. Administration of the District

- a. Organizational chart
- b. Responsibilities and hiring

4. Staff

- a. Review of staffing need based on curriculum offerings and location of programs
- b. Continuation of rights;
 - Salary: Union contracts may continue until the expiration date. All Teachers must be on the same salary schedule (comparable and not lower than present salary). The final pay scale is subject to negotiation between new committee and bargaining unions
 - Benefits – Tenured teachers would be tenured in the RSD

5. Ownership, Location & Use of School Buildings

The condition and use of all buildings must be analyzed to determine adequacy and need under the regional structure. All school buildings must be under the control of the regional school committee. Buildings are leased by the towns to the regional district through a lease arrangement for a 20-year period, subject to renewal. A separate lease arrangement may be developed.

6. Contracts, Liabilities and Assets

Knowledge of each district's obligations and discussion of how or if these items will be included in a regional organization.

7. Municipal – Indirect Costs in support of Educational Services

Municipal costs not currently included in each respective school committee budget must be analyzed to determine whether these expenses will be continued or absorbed in the regional school committee budget, e.g. maintenance, insurance, benefits, debt, etc.

8. Development of District Budget: See Chapter 71, Section 16B and 603 CMR 41.05

9. Apportioning of capital/operating costs

The regional agreement must include a method for apportioning all operating, transportation, capital and any other costs to the member municipalities and adhere to the provisions of the Regional School District Regulations (603 CMR 41.00) for calculating assessments to member towns. <http://www.doe.mass.edu/lawsregs/603cmr41.html>. Additional information on assessment options can be found in "Guidance for Regional School District" located on the Department of

Education's web site at <http://finance1.doe.mass.edu/regional/>. This document describes the methods indicated below:

- Statutory Method.
- Alternative (Agreement) Method – based on methodology outlined in the regional school district agreement.

10. Transitional Period

The Planning Board should consider including a provision in the Regional Agreement to outline how the District will operate during the transition from multiple municipal district to a joint regional district. Some areas to address include:

- a. Interim School Committee: Members of present town school committee may continue on the committee to the end of their term as long as compliance with one-person one vote is maintained.
- b. Union contracts: Contracts may continue until expiration date, but teachers must be raised to the highest salary schedule for comparable positions.
- c. Administration: Services of a Superintendent and other central office staff from one of the participating districts are often maintained in the new regional structure.

11. State Aid

- a. All Educational Aid will be directed to the Regional School District
- b. Regional School Districts are eligible for transportation reimbursement for the costs of transporting K-12 students who reside more than 1 ½ miles from the school of attendance.

References:

Authorizing Legislation:
Department of Education Regulations
Guidance
Department of Education web site

Chapter 71, Sections 14-16i
603 CMR 41.00
Developing Regional Assessments
<http://finance1.doe.mass.edu/regional/>.

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DEVELOPMENT OF REGIONAL DISTRICT AGREEMENT

To facilitate the writing of a regional agreement, and to clarify statutory requirements involved, the regional school district planning board is urged to confer with the staff of the Department of Education and legal counsel. Advice may be secured as to the necessary and advisable provisions to be included in the Agreement. In all instances, following a general outline, the agreement is tailored to fit the particular needs of the proposed district. Legal staff in the Department of Education will review the agreement to insure that the language of the agreement is in compliance with provisions of Chapter 71, §14-16I. In addition, final approval of the Agreement should be secured from bond counsel in order that no legal difficulties or obstructions will be encountered when or if the regional school district obligates itself financially through a bond issue.

Summary of Agreement Contents ***Refer to Chapter 71, Section 14B***

- a. The number, composition, method of selection, and terms of office of the members of the regional district school committee;
 - b. The town or towns in which, or the general area within the regional school district, where the regional school district school or schools are to be located;
 - c. The type of regional district school or schools;
 - d. The method of apportioning the expenses of the regional school district, and the method of apportioning the costs of school construction, and the time and manner of payment of the shares of the several towns of any such expense;
 - e. The method by which school transportation shall be provided, and if such transportation is to be furnished by the district, the manner in which the expenses shall be borne by the several towns;
 - f. The terms by which any city or town may be admitted to or separated from the regional school district;
 - g. The method by which the agreement may be amended;
 - h. The detailed procedure for the preparation and adoption of an annual budget; and
 - i. Any other matters, not incompatible with law, which the said board may deem advisable.
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- 1. The agreement or amendment may contain provisions authorizing any member town to sell, lease or grant a license to use any school building and any land appurtenant thereto or used in connection therewith to the regional school district, and any such town may authorize such sale, lease or license accordingly. In the case of a sale, the price and time or times of payment and the method by which the towns other than the selling town shall be assessed for such payment shall be set forth in the agreement or amendment but in no case shall payments be made which shall extend over a period in excess of twenty years. In the case of a lease or license to use, the rental or license fee and terms of payment and assessment shall be set forth in the agreement or amendment. The lease or license to use may be for a term or period not in excess of twenty years, and may contain provisions for the extension of the lease or license to use for an additional term or period not in excess of twenty years, at the option of the regional district school committee.
 - 2. The agreement may provide that the incurring of indebtedness by the district shall be approved by the registered voters in the member towns pursuant to the provisions of clause (n) of section sixteen of Chapter 71. In this instance the incurring of indebtedness shall be subject to disapproval by any member town pursuant to the provisions of clause (d) of said section sixteen. No amendment to an agreement to provide that the incurring of indebtedness shall be approved pursuant to the provisions of clause (n) of section sixteen shall take effect unless such amendment is approved by each of the member towns of the district.

SUMMARY OF REGIONAL SCHOOL DISTRICT POWERS AND DUTIES

Refer to Chapter 71, Section 16

A Regional School District shall be a body politic and corporate with all the powers and duties conferred by law upon school committees, and have the following additional powers and duties:

- a. To adopt a name and a corporate seal;
- b. To sue and be sued;
- c. To acquire property within the towns comprising the district under the provisions of Chapter 79 and §14 of Chapter 40 for the purposes of the district and to construct, reconstruct, add to, remodel, make extraordinary repairs to, equip, organize and operate a school or schools for the benefit of the towns comprising the district, and to make any necessary contracts in relation thereto; provided, however, that no property shall be required unless the town in which such property is located approves such acquisition by a two-thirds vote at town meeting.
- d. To incur debt for the purpose of acquiring land and construction, reconstructing, adding to, and equipping a school building or buildings for a term not exceeding twenty years or for the purpose of remodeling and making extraordinary repairs to a school building or buildings and for the construction of sewerage systems and sewerage treatment and disposal facilities;
- e. To issue bonds and notes in the name and upon the full faith and credit of said district;
- f. To receive and disburse funds for any district purpose;
- g. To incur temporary debt in anticipation of revenue to be received from any source;
- h. To assess member towns for any expenses of the district;
- i. To receive any grants or gifts for the purposes of the regional district school or schools;
- j. To engage in legal counsel;
- k. To submit an annual report to each of the member towns, containing a detailed financial statement; and a statement showing the method by which the annual charges assessed against each town were computed;
- l. To employ a superintendent of schools who may also be a superintendent of one or more of the towns comprising said district;
- m. To adopt an annual operating and maintenance budget for the next fiscal year;
- n. To incur debt for the purposes and terms specified in clause (d);
- o. To refinance any debt incurred under paragraphs (d), (e), or (n), in accordance with the provisions of section 21A of Chapter 44;
- p. To lease, or lease with an option to purchase, equipment for educational purposes. Such leases may be made for periods not exceeding five years;
- q. To lease land and buildings for educational purposes. Such leases may be made for periods not exceeding five years;
- r. To rent or lease with the approval of the commissioner of education surplus space in a school building of the district to house public or private profit-making businesses or nonprofit organizations.

SUMMARY OF REGIONAL SCHOOL COMMITTEE ORGANIZATION

Refer to Chapter 71, Section 16A

Upon establishment of the regional school district the members of the regional district school committee shall be selected as provided in the agreement. The powers, duties and liabilities of a regional school district shall be vested in and exercised by a regional district school committee organized in accordance with the agreement.

- The committee shall choose a chairman and a vice chairman by ballot from its membership.
- The committee shall appoint a secretary and a treasurer who may be the same person, but who need not be members of said committee
- The committee may appoint an assistant treasurer who need not be a member of the committee
- The committee may hire a business manager, assistant superintendent for business or employee with a title of similar import who shall not hold the office of treasurer or assistant treasurer.
- The committee may appoint a school building committee which shall have such powers and duties relative to the construction, reconstruction, remodeling, repair, expansion or equipping of school buildings or facilities as the committee determines.
- The committee may establish a subcommittee of no less than three members for the purpose of signing payroll warrants and accounts payable warrants to allow for the release of checks;
- The committee shall solicit proposals and contract with an independent certified public accountant to perform an annual financial audit and make management recommendations, and shall receive the audit report in public session.

OPTIONS FOR ELECTION OF REGIONAL DISTRICT SCHOOL COMMITTEES

Refer to Chapter 71, Section 14E

A regional school district must provide for one of the following options in determining the members of its regional district school committee

- Elect committee members by voters in member communities with each community's representation apportioned according to population
- Elect members in district-wide elections to be held at the biennial state elections
- Elect members with residency requirements in district wide elections to be held at the biennial state elections.
- Weigh the votes of committee members according to the population they represent
- Appoint members by locally elected officials such as school board members.

SUMMARY OF REGIONAL SCHOOL DISTRICT BUDGET PROVISIONS

Refer to Chapter 71, 16B and 603 CMR 41.05

Planning and School Committee Approval of the Budget

The regional school committee shall propose, by a majority vote, a budget containing all proposed operating expenditures, capital expenditures, and debt service payments to be paid from general revenues of the regional school district. The budget shall be classified into such line items as the regional school committee shall determine, provided that such line items shall be consistent with but need not be to the same level of detail as the chart of accounts required for the end of year reporting of expenditures pursuant to 603 CMR 10.03(3).

The budget shall identify each separate revenue source, and the amount estimated for each revenue source; shall specify whether members' assessments are to be calculated pursuant to the statutory assessment method or the alternative assessment method; and shall specify the total amounts to be assessed to the members for the support of the budget.

The regional district treasurer:

- a. certifies amounts to town treasurers within 30 days of date of approval of the RSD budget but not later than April 30th.
- b. provides copies of the adopted budget to chairmen of boards of selectmen, chairmen of finance committees, mayors, presidents of city councils, and treasurers of municipalities.

Presentation of Budget to Member Towns

The budget as adopted by the regional school committee and the member's assessment as certified by the treasurer of the regional school district, shall be placed before each local appropriating authority for its consideration. Notwithstanding provisions in the regional agreement to the contrary, approval of the budget shall require an affirmative vote of the appropriating authorities of two-thirds of the members if the statutory assessment method has been used, and shall require an affirmative vote of the appropriating authorities of all of the members if the alternative assessment method has been used. A vote by the local appropriating authority to appropriate the member's assessment shall constitute approval of the regional school district's budget.

The clerk of the municipality shall within seven days following a vote concerning a regional school budget or appropriation certify in writing to the treasurer of the regional school district the results of said vote by the municipality.

Reconsideration of Rejected Budgets

- a. If the budget is not approved by two-thirds of the members, the regional school committee shall have 30 days from the date of disapproval by more than one-third of the members to reconsider, amend, and adopt a revised budget. With the approval of the Commissioner, this 30-day period may be extended an additional 15 days.
- b. Copies of the amended budget shall be provided not later than 7 days from the date the amended regional school district budget was adopted by the regional school district committee;
- c. Prior to the expiration of forty-five days from the date on which such budget was adopted by the regional school district committee, each member municipality shall hold a meeting of the local appropriating authority to act upon the appropriation of the budget so reapportioned and recertified to it.
- d. If the recertified budget is not approved by two-thirds of the appropriating authorities, the budget shall again be recommitted to the regional school district committee for action.

*In a two member region, if the appropriating authority of either member municipality votes not to appropriate the amount so reapportioned and recertified to it, the regional district school committee shall convene a special district-wide meeting open to all registered voters in both municipalities at which the amended regional school district budget shall be considered.

- a. the district wide meeting shall be called pursuant to warrant under the hands of at least majority of regional school district committee;
- b. notice of the meeting will be given 14 days prior to the date of such meeting;
- c. approval of the budget requires the affirmative vote of at least a majority of those present and voting by counted vote;
- d. clerk of each municipality shall certify in writing to treasurer of regional school district treasurer of such vote within 7 days following the vote;
- e. the regional school district budget so approved shall be apportioned among the member municipalities and paid in accordance with the terms of the agreement.

Appendix A

Sample ballot to establish a regional school district planning committee

To see if the Town will vote to create a special unpaid committee to be known as a regional school district planning committee, to consist of three members, including one member of the school committee, to be appointed by the moderator in accordance with the provisions of Section 14 of Chapter 71 of the General Laws, as amended; and that there be appropriated for the use of said committee the sum of .*

*Section 14 of Chapter 71 states:

"such sum or sums, not exceeding one tenth of one per cent of the assessed valuation of such town in the preceding year, as it may deem necessary."

Appendix B

SUGGESTED LETTER OF TRANSMITTAL

Date

To the Selectmen of the Towns of:

After examination and investigation of the matters set forth in Section 14A of Chapter 71 of the General Laws, as amended, the undersigned Regional School District Planning Board recommends that a regional school district for grades_____ to_____, inclusive, be established for the Towns of:

and we herewith submit an agreement for the establishment of such a district. We also submit herewith a report of our findings, contained in the accompanying brochure.

Respectfully submitted,

(Name of Towns)

Regional School District Planning Board

Signatures

Appendix C

ADVANTAGES AND CONCERNS OF REGIONALIZATION

Advantages

- A single school committee with cohesive educational policy.
- A single administration with potential for more efficient and economical operation of school departments.
- A coordinated curriculum, kindergarten through grade twelve.
- A single salary schedule and a single teacher unit for negotiation purposes.
- A single budget, administered to take advantage of efficient, centralized purchasing techniques.
- Savings incurred by bulk purchasing and combined transportation costs.
- Reduction of duplicated effort in the administration of the program, business procedure, and negotiations.
- Utilization of sound, long range planning and fuller utilization of teachers and all school facilities for all the pupils affected.
- Opportunity to offer more programs and enrichment within school curriculum.
- Coordinated program of testing, guidance, health services and school adjustment work.
- State Transportation Reimbursement

Concerns & Misconceptions

- Unwillingness to share control with neighboring towns, a feeling of loss of control.
- Refusal to recognize the shortcomings of the small school.
- Fear that regional schools will cost more to operate.
- Resistance to change.
- Fear that elementary students will be transported across town lines.
- Concern for job security, teacher salaries, benefits and tenure.
- Leasing the elementary buildings to the regional district.
- Assessment of capital and operational costs.

Appendix D

REORGANIZATION NEEDS CONFERENCE

DATE _____

DISTRICTS: _____

NEW _____ EXPANDED _____ ENLARGED _____

_____ Regional School District Planning Board established in accordance with M.G.L. c.71§14 or by the Regional School Committee, as applicable;

A Long Range Educational Plan must be submitted to the Department of Education that addresses: the expected educational benefits of reorganization; current and projected enrollments; an inventory of all educational facilities under the jurisdiction of the various school committees (current and proposed) and any construction efficiencies; the administrative structure, including a current and proposed organization chart; the fiscal benefits; the geographical and physical characteristics; and the transportation economies which would result from a school district reorganization. The following items will be discussed and as appropriate, included in the Long Range Educational Plan as part of the regional school district application.

Educational strategies and programs:

- a. Discuss academic curricular offerings and enhancement plans;
- b. Explain current or proposed collaborative efforts, where appropriate;
- c. Address the issues of at risk students and low incidence populations;
- d. Review all prior or potential non-compliance issues;
- e. Explain extra curricula offerings and planned changes/enhancements;
- f. Explain professional development opportunities.
- g. Describe how vocational education will be provided for any student requesting or requiring such a program;
- h. Discuss other planned program enhancements, e.g. early childhood education, twelve-month school year, extended school day, restructuring, day care, adult programs, etc.

Organizational characteristics of the proposed district:

- a. Submit student enrollments projected for 5 to 10 years;
- b. Identify proposed grade structure;
- c. Provide evidence of compatibility of member towns that may enhance and sustain the merger
- d. Provide evidence that contiguous towns/school committee have been notified of a regionalization study, as applicable.
- e. Provide information on pertinent geographic and physical characteristics;
- f. Provide other locally derived data to support the merger.

Administrative enhancements:

- a. Provide present and future organizational chart;
- b. Address transportation plans and economies;
- c. Address purchasing and bidding strategies;

- d. Provide an inventory of all educational facilities under the jurisdiction of the various school committees current and proposed;
- e. Explain how all school buildings will be utilized
- f. Describe long range school construction plan;

Procedural:

All requisite approvals, including the Commissioner's approval, shall be obtained no later than the preceding *December 31*. The authorizing votes may provide for the deferral of the effective date of a new regional or the admission or withdrawal of members until *July 1* of a subsequent fiscal year.

- a. Describe the timetable for town meeting presentations and votes;
- b. Expected date of school district reorganization:_____

Participants

Position

District